

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

THOMAS R. SNELLING,

Plaintiff,

v.

KENNETH ROMANOWSKI, *et al*,

Defendants.

Case No. 15-14129

Honorable Laurie J. Michelson

Magistrate Judge Stephanie Dawkins Davis

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**ORDER ADOPTING REPORT AND RECOMMENDATION [59] AND DENYING  
PLAINTIFFS' MOTIONS FOR PRELIMINARY INJUNCTION [34, 45]**

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Before the Court is Magistrate Judge Stephanie Dawkins Davis's Report and Recommendation to deny Plaintiff's Motions for Preliminary Injunction (R. 34, 45). (R. 59.) At the conclusion of her Report and Recommendation, the magistrate judge notified Plaintiff Thomas Snelling that he was required to file any objections within fourteen days of service, as provided in Federal Rule of Civil Procedure 72(b)(2) and Eastern District of Michigan Local Rule 72.1(d), and that "[f]ailure to file specific objections constitutes a waiver of any further right of appeal." (R. 59, PID 490–91.) Snelling filed no objections.

In *United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981), the Sixth Circuit established a rule of procedural default, holding that "a party shall file objections with the district court or else waive right to appeal" and that "a party shall be informed by the magistrate [judge] that objections must be filed within ten days or further appeal is waived." In *Thomas v. Arn*, 474 U.S. 140, 144 (1985), the Supreme Court held that this rule violates neither the Federal Magistrates Act nor the federal constitution. Thus, the Court finds that Mr. Snelling's failure to object is a procedural default, waiving review of the magistrate judge's findings by this Court.

*See Thomas*, 474 U.S. at 149 (explaining that Sixth Circuit’s waiver-of-appellate-review rule rested on the assumption “that the failure to object may constitute a procedural default waiving review even at the district court level”); *Garrison v. Equifax Info. Servs., LLC*, No. 10-13990, 2012 WL 1278044, at \*8 (E.D. Mich. Apr. 16, 2012) (“The Court is not obligated to review the portions of the report to which no objection was made.” (*citing Thomas*, 474 U.S. at 149–52)).

The Court therefore finds that Mr. Snelling has waived further review of the Report and accepts the magistrate judge’s recommended disposition. It follows that Plaintiffs’ Motions for Preliminary Injunction (R. 34, 45) are DENIED.

SO ORDERED.

s/Laurie J. Michelson  
LAURIE J. MICHELSON  
UNITED STATES DISTRICT JUDGE

Dated: July 18, 2016

#### CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing document was served on the attorneys and/or parties of record by electronic means or U.S. Mail on July 18, 2016.

s/Jane Johnson  
Case Manager to  
Honorable Laurie J. Michelson